

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES THORNTON,	)	
Plaintiff	)	
	)	Civ. Action No. 05-10210- MEL
	)	
v.	)	
	)	
	)	
UNITED PARCEL SERVICE INC.,	)	
Respondent	)	
	)	

MEMORANDUM IN OPPOSITION TO PLAINTIFF'S MOTION  
FOR LEAVE TO FILE SUPPLEMENTAL EXHIBIT

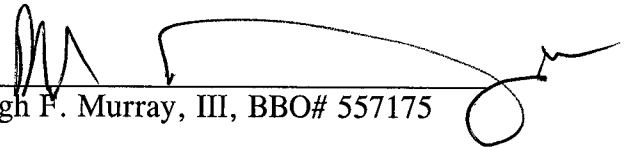
The plaintiff, Charles Thornton, seeks leave to file an administrative determination in a matter unrelated to Mr. Thornton's matter. Because the proposed exhibit is not probative of any issue in this case, the motion should be denied.

The proposed document is a two page Determination from the Area Director of the Equal Employment Opportunity Commission ("EEOC") in connection with the claim of a different UPS employee, Robert Ducheneau. The Area Director states in this document that the EEOC has conducted some sort of investigation, which is not described, and that based on that investigation it has found "reasonable cause" to think that Mr. Ducheneau had been subject to discrimination. While it is possible that some underlying evidence obtained by the EEOC might be admissible in this action, if they were presented, the document plaintiff's counsel seeks to present itself does not even say what such evidence might be, if it even exists.

Moreover, this document relates to a red-herring in this case – the alleged "100% medical release" policy. Even if such a policy existed, the undisputed facts of this case

show that it was not applied to Mr. Thornton. UPS allowed Mr. Thornton returned to work at all relevant times in this matter. Whether UPS treated other employees unlawfully (which UPS denies) is not the issue in this case. This case is about Mr. Thornton, and the EEOC Determination with regard to Mr. Ducheneau has no probative value.

UNITED PARCEL SERVICE INC.

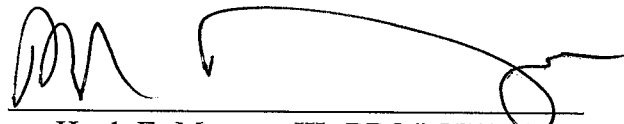
By   
Hugh F. Murray, III, BBO# 557175

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Its Attorney

Date: August 14, 2007

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2007 a copy of the foregoing was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

  
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Hugh F. Murray, III, BBO# 557175